

REMARKS

Claims 1-4, 6-15, and 24 were pending. Claims 1-4, 6-15, and 24 will be pending upon entry of the instant response. No new matter has been added.

Rejection of Claims 6 and 24 under 35 U.S.C. § 102(b)

Claims 1 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kelleher *et al.* (U.S.S.N. 5,567,724).

Applicants respectfully traverse the aforementioned rejection as it does not apply to the current claims for the following reasons. For prior art reference to anticipate in terms of 35 U.S.C. §102 a claimed invention, the prior art must ***each and every element*** of the claimed invention. Lewmar Marine v. Barient, 827 F.2d 744, 3 USPQ2d 1766 (Fed Cir. 1987).

The claimed invention is directed towards a method of treating an energy related associated state by administering to a subject an effective amount of energy kinase modulators, such as, bepridil, verapamil, nifedipine, nisoldipine, theophylline, semecarpus anacardium nut extract, 2-dioxy-D-glucose, caffeine, dipyridamole, papaverine, or cyclamidomycin. The energy related associated state treated by the invention is, for example, a disease or or condition which involves the transmission, impairment, or consumption of energy.

Kelleher *et al.* relies on a method for inhibiting neurotoxicity, specifically, β -toxicity in brain cells, by administering to the cells an amount of acid or alkaline phosphatase inhibitor. Kelleher *et al.* do not teach or suggest the modulation of an energy transmitting kinase. Furthermore, Kelleher *et al.* also fail to teach or suggest methods for treating an energy related associated state using bepridil, verapamil, nifedipine, nisoldipine, theophylline, semecarpus anacardium nut extract, 2-dioxy-D-glucose, caffeine, dipyridamole, papaverine, or cyclamidomycin.

For all the foregoing reasons, the claimed invention is not anticipated by, nor rendered obvious by, Kelleher *et al.* Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) be reconsidered and withdrawn as applied to the pending claims.

Rejection of Claims 1-4, 6-15 and 24 under 35 U.S.C. § 103(a)

Claims 1-4, 6-15, and 24 are rejected under 35 U.S.C. § 103(a) as being as being unpatentable over Kelleher *et al.*

As discussed above, Applicant claims methods for treating energy related associated states by administering to a subject an effective amount of bepridil, verapamil, nifedipine, nisoldipine, theophylline, semecarpus anacardium nut extract, 2-dioxy-D-glucose, caffeine, dipyridamole, papaverine, or cyclamidomycin. Applicant also claims methods for modulating an energy transmitting kinase in a subject.

Kelleher *et al.* discuss the use of alkaline phosphatase inhibitors or acid phosphatase inhibitors as therapeutic agents of neurological disorders. Kelleher *et al.*, alone or in combination with the knowledge of a skilled artisan, do not teach or suggest Applicant's claimed invention. As discussed in the previous section, Kelleher *et al.* do not teach or suggest the modulation of a kinase in a subject. Furthermore, neither Kelleher *et al.*, nor the a skilled artisan considering Kelleher *et al.*, teach or suggest the treatment of an energy associated related state by administering to a subject an effective amount of bepridil, verapamil, nifedipine, nisoldipine, theophylline, semecarpus anacardium nut extract, 2-dioxy-D-glucose, caffeine, dipyridamole, papaverine, or cyclamidomycin.

Therefore, Applicant respectfully requests that this rejection of claims 1-4, 6-15 and 24 under 35 U.S.C. § 103(a) be withdrawn.

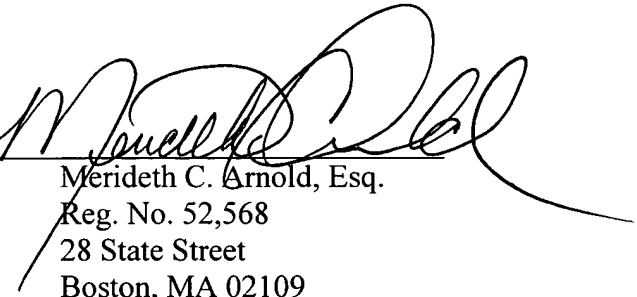
CONCLUSION

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. If there are any remaining issues or if the Examiner believes that a telephone conversation with Applicant's Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617) 227-7400.

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